

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

VANESSA K. ISHAM,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

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**No. 3:08-CV-423
(Phillips/Shirley)**

MEMORANDUM OPINION

This Social Security appeal is before the Court on the report and recommendation (“R&R”) filed by United States Magistrate Judge C. Clifford Shirley [Doc. 17]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the magistrate judge’s conclusion that plaintiff’s Motion for Summary Judgment [Doc. 11] be granted, and that defendant Commissioner’s Motion for Summary Judgment [Doc. 15] be denied. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the R&R [Doc. 17], that plaintiff's Motion for Summary Judgment [Doc. 11] is **GRANTED**, to the extent that this case is remanded to the Commissioner pursuant to 42 U.S.C. § 405(g) for a new hearing. The defendant Commissioner's Motion for Summary Judgment is **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge